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09/996,124	11/27/2001	David Sonnenberg	5809.02	1476

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EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/996,124

Applicant(s)

SONNENBERG, DAVID

Examiner

John Van Bramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 031502.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13, 15-24, 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al. (WO 00/16210).

Claim 1: Ross discloses a method of doing an e-commerce business which enables customers to purchase products, such as fabrics, directly from their suppliers, such as their manufacturers, through an internet web site containing information about the products, comprising:

- a. Establishing a database with data entries for each of the products, consigned by its supplier to the business. (Page 10, lines 15-29; Page 14, lines 9-27; Page 21, lines 8-17; Page 27, lines 9-28)
- b. The database comprising data for at least one of the price, composition, color, design and supply of each product. (Page 10, lines 15-29; Page 14, lines 9-27; Page 21, lines 8-17; Page 27, lines 9-28)

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- c. Data of the database being accessible to the customers, suppliers and the business via the web site. (Page 10, lines 15-29; Page 14, lines 9-27; Page 21, lines 8-17; Page 27, lines 9-28)

Claim 2: Ross discloses the method of claim 1 wherein data of the database for the supply of each product of a supplier are continuously updated as the supply increases or decreases and are accessible via the web site to the supplier but not to customers or other suppliers. (Page 9, lines 5-21)

Claim 3: Ross discloses the method of claim 1 wherein the data of the database for each product includes both a price to the business, set by the product's supplier, and a price to the customers, set by the business. (Page 37, line 20 through Page 38, line 7)

Claim 4: Ross discloses the method of claim 3, wherein the price, discounts and/or promotions, set by the supplier for each of its products, is accessible via the web site to the supplier but not to customers or other suppliers. (Page 36, lines 20-30)

Claim 5: Ross discloses the method of claim of 3 wherein the data of the database for the price to the customers of each product also includes discounts and/or promotions to the business, set by the product's supplier, and discounts and/or promotions to the customers, set by the business. (Page 36, lines 20-30)

Claim 6: Ross discloses the method of claim 5 wherein each supplier can change, in the database, the supplier's set discounts and/or promotions to the business for each of the supplier's products, which results automatically in an eventual change in the business' set discounts and/or promotions to the customers for the product.

(Page 10, lines 15-29)

Claim 7: Ross discloses the method of claim 6 wherein the business can also change, in the database, the business' set discounts and/or promotions to the customers for the supplier's product. (Page 10, lines 15-29; and Page 36, lines 15-18)

Claim 8: Ross discloses the method of claim 3 or 5 wherein each supplier can change, in the database, the supplier's set price to the business for each of the supplier's products, which results automatically in an eventual change in the business' set price to the customers for the product. (Page 10, lines 15-29; and Page 37, line 20 through Page 38, line 7)

Claim 9: Ross discloses the method of claim 8 wherein each supplier can change, in the database, the supplier's set discounts and/or promotions to the business for each of the supplier's products, which results automatically in an eventual change in the business' set discounts and/or promotions to the customers for the product.

(Page 10, lines 15-29; and Page 37, line 20 through Page 38, line 7)

Claim 10: Ross discloses the method of claim 9 wherein the business can also change, in the database, the business' set discounts and/or promotions to the customers for the supplier's product. (Page 10, lines 15-29; and Page 36, lines 15-18)

Claim 11: Ross discloses the method of claim 10, wherein the price, discounts and/or promotions, set by the supplier for each of its products, is accessible via the web site to the supplier but not to customers or other suppliers. (Page 10, lines 15-29; and Page 37, line 20 through Page 38, line 7)

Claim 12: Ross discloses the method of claims 11 wherein data of the database for the supply of each product of a supplier are continuously updated as the supply increases or decreases and are accessible via the web site to the supplier but not to customers or other suppliers. (Page 35, lines 18-30)

Claim 13: Ross discloses the method of claim 12 wherein the business automatically pays each supplier for each sale of each product of the supplier to a customer after the customer orders the product and is automatically charged for the sale of the product. (Page 37, line 20 through Page 38, line 7)

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Claim 15: Ross discloses a method of doing an e-commerce business which enables customers to purchase products, such as fabrics, directly from their suppliers, such as their manufacturers, through an internet web site containing information about the products, comprising:

- a. Establishing a database with data entries for each of the products, consigned by its supplier to the business. (Page 10, lines 15-29; Page 14, lines 9-27; Page 21, lines 8-17; Page 27, lines 9-28)
- b. Establishing a customer's site on the web site that is accessible to the customers and a supplier's site on the web site that is accessible to the suppliers. (Page 9, lines 5-21; and Page 27, lines 9-28)
- c. Wherein data of the database that are accessible to the customers on the customers site are different from data of the database that are accessible to the suppliers on the suppliers site. (Page 9, line 22 through Page 10, line 29; and Page 27, lines 9-28)

Claim 16: Ross discloses the method of claim 15 wherein data of the database for the supply of each product of each supplier are continuously updated as the supply increases or decreases and are accessible, via the web site, to the supplier on the supplier's site but not to customers on the customer's site. (Page 9, lines 5-21)

Claim 17: Ross discloses the method of claim 16 wherein only the supplier of a fabric can access, on the supplier's site, data of the database on the sales and

supply of the fabric. (Page 9, lines 5-21)

Claim 18: Ross discloses the method of claim 16 wherein each supplier can access, on the supplier's site, data of the database on sales trends of products of other suppliers. (Page 10, line 20 through Page 13, line 21)

Claim 19: Ross discloses the method of claim 15 wherein data of the database are continuously updated and the different data of the database, accessible via the customers and supplier's sites are simultaneously and continuously updated. (Page 9, lines 5-21)

Claim 20: Ross discloses the method of claim 15 or 19 wherein

- a. The data of the database for the price of each product includes both the price to the business, set by the product's supplier, and the price to consumers, set by the business. (Page 37, line 20 through Page 38, line 7)
- b. Wherein each supplier can change, in the database, the supplier's set price for each of the supplier's products, which results automatically in an eventual change in the business' set price to consumers for the product. (Page 9, lines 5-21)
- c. Wherein the supplier's set price for each of the supplier's products is accessible to the supplier on the supplier's site but is not accessible to customers on the customer's site. (Page 36, lines 20-30)

Claim 21: Ross discloses the method of claim of 20 wherein the data of the database for the price to the customers of each product also include discounts and/or promotions to the business, set by the product's supplier, and/or discounts and/or promotions to the customers, set by the business. (Page 36, lines 20-30)

Claim 22: Ross discloses the method of claim 21 wherein data of the database for the supply of each product of each supplier are continuously updated as the supply increases or decreases and are accessible, via the web site, to the supplier on the supplier's site but not to customers on the customer's site. (Page 9, lines 5-21; and Page 36, lines 20-30)

Claim 23: Ross discloses the method of claim 22 wherein only the supplier of a fabric can access, on the supplier's site, data of the database on the sales and supply of the fabric. (Page 9, lines 5-21)

Claim 24: Ross discloses the method of claim 23 wherein each supplier can access, on the supplier's site, data of the database on sales trends of products of other suppliers. (Page 10, line 20 through Page 13, line 21)

Claim 26: Ross discloses the method of claim 24 wherein the business automatically

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pays each supplier for each sale of each product of the supplier to a customer after the customer orders the product and is automatically charged for the sale of the product. (Page 37, line 20 through Page 38, line 7)

Claim 28: Ross discloses the method of claim 1 or 15 wherein the business automatically pays each supplier for each sale of each product of the supplier to a customer after the customer orders the product and is automatically charged for the sale of the product. (Page 37, line 20 through Page 38, line 7)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross et al (WO 00/16210) in view of Weaver (US Patent Number: 6,404,426).

Claims 14, 25, and 27: Ross discloses the method of claims 13, 24, and 26. Ross also discloses that the invention is used to sell product over a network interface.

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However, Ross does not specifically state that the product is a fabric. However, the analogous art of Weaver specifically states that selling clothing (fabric) on-line is old and well known (Col 1, lines 10-19). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the invention of Ross to sell fabric items. One would have been motivated to do so in order to cost effectively reach more potential customers and thereby increase sales.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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